

**Howard
County**
MARYLAND
DEPARTMENT OF
PLANNING AND ZONING

Marsha S. McLaughlin, Director

TECHNICAL STAFF REPORT

January 7, 2010

***Planning Board Meeting of January 21, 2010
County Council Hearing to be scheduled***

Case No. /Petitioner: At the request of Camilla Carroll and Philip D. Carroll

Request: Adjustment to the Planned Service Area boundary of the Master Plan for Water & Sewerage in conjunction with a related Petition to Amend the Zoning Map of Howard County for property located in Ellicott City, Howard County, Maryland.

Location: Second and Third Election Districts
Portion of Historic Doughoregan Manor at 3500 Manor Lane
Ellicott City, Howard County, Maryland
Tax Map 23, Grid 10, Part of Parcel 71

Area of Site: 221.1 +/- acres

Zoning: RC-DEO: Rural Conservation – Density Exchange Option

Proposed Zoning: R-ED: Residential – Environmental Development

Department of Planning and Zoning Recommendation:

Approval



I. BACKGROUND

Application Overview

- The owners of Doughoregan Manor are requesting that the General Plan be amended so that the eastern-most, 221-acre portion of their property may be added to the Planned Service Area for Water and Sewerage. Their purpose is to create roughly 325 new building sites for single-family-detached residences, so that these sites may be sold in order to generate funds to restore and preserve the manor house which is a National Historic Landmark.
- A concurrent request to rezone a portion of this property (ZB 1087M) proposes that the parcel be rezoned to Residential – Environmental Design (R-ED) from the currently existing zoning designation of RC – Rural Conservation-Density Exchange Option (RC-DEO).
- The owners of Doughoregan Manor have applied to sell the County a permanent agricultural land preservation easement on 500 acres of farmland. The Agricultural Land Preservation Board recommended acquisition of an easement on the property. Upon signature of the commitment letter by the owners, the County Executive will request the County Council to approve the use of an installment purchase agreement to acquire the agricultural land preservation easement. Settlement on the easement acquisition can then be scheduled.
- The owners are also offering to donate about 34 acres of land above to be added to the Kiwanis-Wallas Park.
- The property owners are in the process of developing a strategy for preservation of the 90-acre historic core that includes the Manor and the immediately surrounding historic outbuildings.

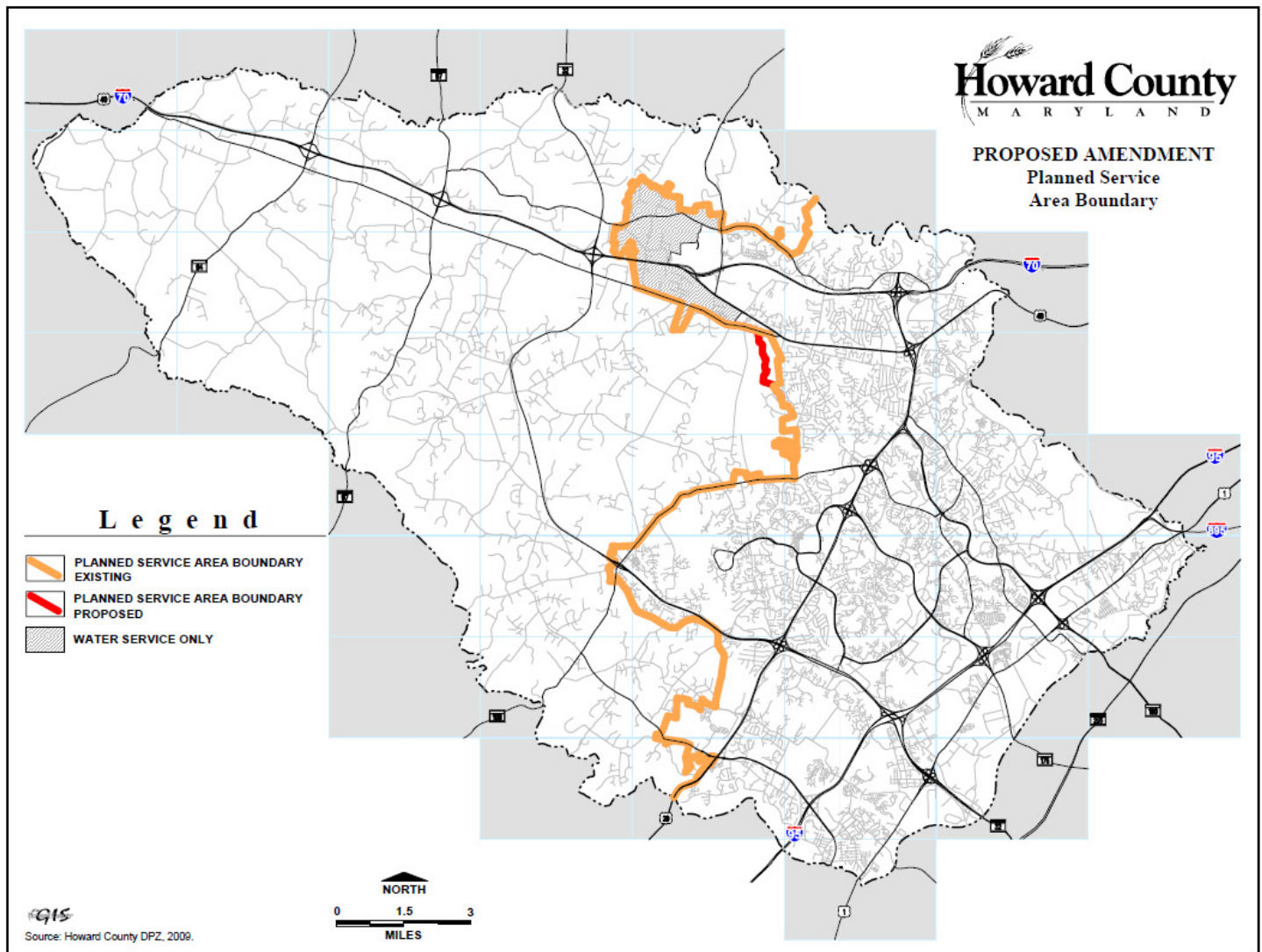
General Information

- Doughoregan Manor was the country home of Charles Carroll III of Carrollton, a signer of the Declaration of Independence for Maryland. Charles Carroll, planter, landowner, politician and US Senator, was the only Roman Catholic signer of the Declaration and its last surviving signer. Charles Carroll III is buried in the family chapel attached to the north end of the Manor. Doughoregan Manor is the only home of a signer of the Declaration of Independence that is still in family ownership.
- In May 2007, a 30-year historic easement placed on the property by the Maryland Historic Trust expired.
- Seventy-five acres of the property are already protected in a permanent preservation easement. This land is already preserved and is not included in any of the proposed requests mentioned above.
- Frederick Road (MD 144) is a part of the Historic National Road, a Maryland Scenic Byway, a Maryland Signed Bicycle Route and a County-designated Scenic Roadway. The portion of the roadway adjacent to the subject property is described in the Howard County scenic road survey document as: “predominantly residential, with some scattered commercial uses. Scenic features include the distant view of rolling farmland and forest and a row of mature trees at the road’s edge at Doughoregan Manor, several picturesque farmsteads and homes, small areas of forest, a pond, and a small stream paralleling the road.”

II. GENERAL PLAN AMENDMENT

- *General Plan 2000* allows for the inclusion of land in the Planned Service Area for water and sewer when a new zoning designation is being sought for land located on property adjoining the Planned Service Area:

Although this General Plan does not propose an expansion of the Planned Service Area to accommodate future residential or commercial growth, it should be anticipated that in the future there may be isolated situations where minor adjustments may be appropriate. Any requests for a General Plan amendment for expansion of the Planned Service Area should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies, or the proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, charitable or philanthropic institution, or academic school. In each case sewer and water infrastructure capacity and costs shall be analyzed to confirm the feasibility and availability of scheduled capacity.



III. DOCUMENTS AFFECTED

General Plan 2000

- If this proposed amendment were to be approved, then the 2000 General Plan Policies Map 2000/2020 would be adjusted to reflect the inclusion of the proposed site within the Planned Service Area boundary.

Master Plan for Water and Sewerage

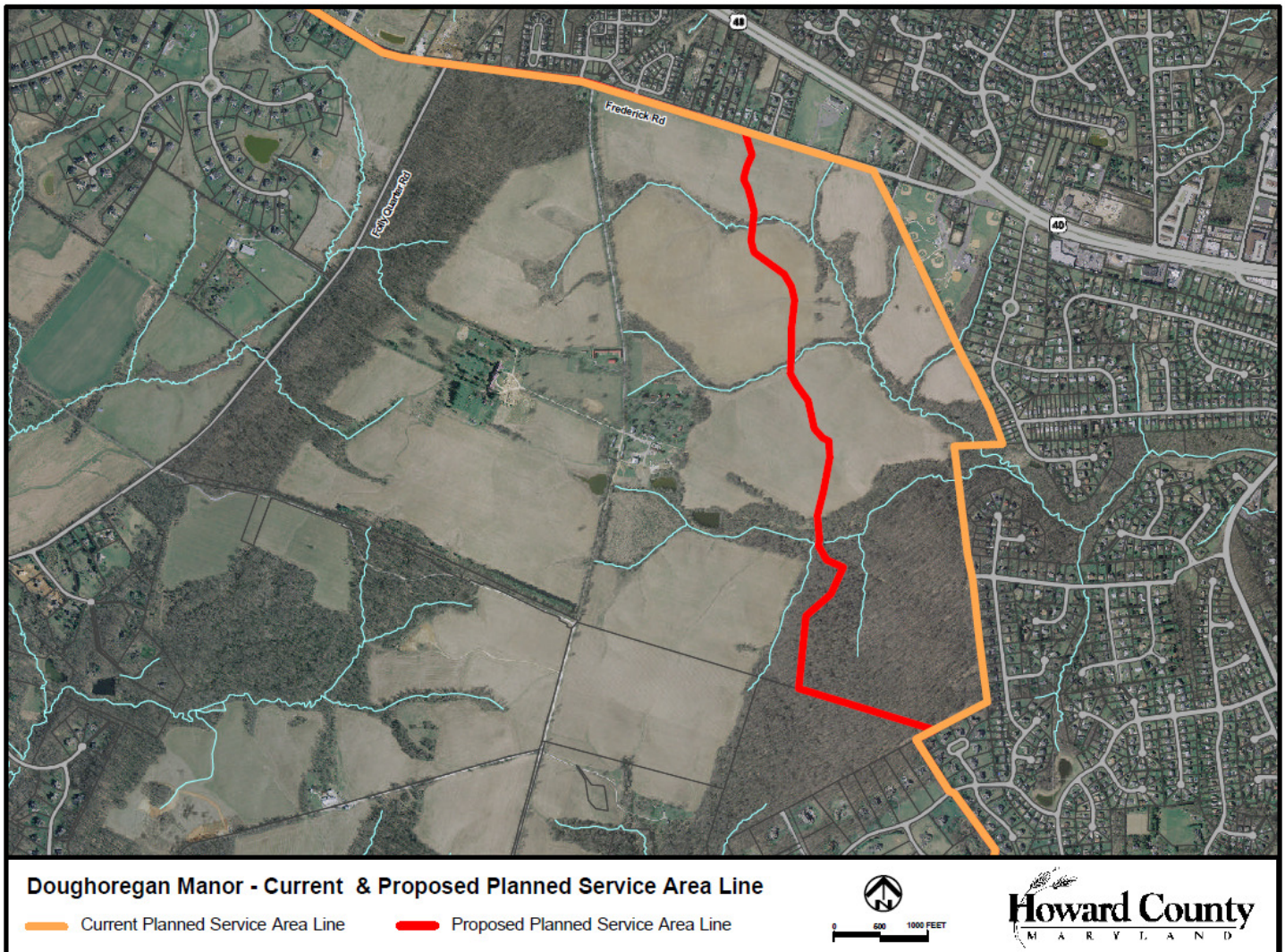
- If this amendment were approved, then the change on the 2000 General Plan Policies Map would need to be reflected in an amendment to the Master Plan for Water and Sewerage via a separate application to DPW.

Howard County Code

- If this amendment were approved as proposed, then a Development Rights and Responsibilities Agreement would be proposed by the owner to secure development rights and preclude any future rezoning request.

Zoning Map

- If the Petition to Amend the Zoning Map of Howard County were approved, then the portion of the property that is the subject of this proposed GPA would need to be rezoned from the current Rural Conservation-Density Exchange Option (RC-DEO) to a zoning designation intended for property located within the PSA.



IV. EVALUATION

General Plan 2000

The owner's request for a PSA expansion is consistent with the criteria in *General Plan 2000* for consideration as an amendment to the Planned Service Area (PSA). The owner's proposal is dependent on the approval of the Petition to Amend the Zoning Map of Howard County to prove either change or, in this case, mistake, as stated.

The following policies and objectives in *General Plan 2000* are directly related to the proposed GPA 2010-1:

Policy 3.1: *Ensure that a critical mass of high quality, strategically located farmland is protected from development.*

- **Purchase of Development Rights.** Purchase agricultural preservation easements on at least 5,000 additional acres in the Rural West.

Policy 4.18: *Enhance the County park system and recreational facilities.*

- **Acquisition Schedule.** Accelerate acquisition of land to meet the County's long-term recreation needs since suitable sites are disappearing rapidly. Priority for park acquisition should be directed inside the Planned Service Area where population is greatest.

Policy 5.14: *Maintain or enhance the landscape character of roads.*

- **Scenic Roads in the East.** Strengthen requirements for view protection.

Policy 5.18: *Establish a comprehensive County-wide historic preservation program.*

- **Broadening of Participation.** Coordinate County historic preservation initiatives and programs with State and Federal programs and with historic preservation and interpretative programs of local nonprofit organizations.

Agency Comments

As requested by DPZ, local and State agencies reviewed the proposed GPA2010-1 and submitted comments.

The following agencies stated no objection to the application:

- Health
- Licenses, Inspections and Permits

The following agencies submitted specific comments (attached) that will be addressed during the Site Plan Development review by the Subdivision Review Committee:

- Fire & Rescue
- Howard County Public School System
- Police
- Public Works
- Recreation and Parks
- State Highway Administration

Water Resources Element

The County has proposed an Amendment to General Plan 2000, the “Water Resources Element” (WRE). The Planning Board has recommended approval of this General Plan Amendment (GPA) and the County Council is expected to consider this proposed Amendment in early 2010. Growth projections for the WRE address the potential request for a GPA to extend the Planned Service Area (PSA) to allow limited new residential development on a portion of Doughoregan Manor as part of a comprehensive strategy to protect this National Historic Landmark property.

The WRE offers the following analysis of any proposal to include Doughoregan Manor in the PSA:

“This increase is within the projected capacity of the water supply and sewage treatment system, however, the development of a portion of Doughoregan Manor will require an expansion of the current PSA. The development for Doughoregan Manor will not require any resizing of the water delivery system, but will require a significant expansion in pipe capacity at two locations in the sewage collection system.

Consideration of bringing a portion of Doughoregan Manor into the PSA is premised on permanent preservation of most of this National Historic Landmark property. It is not intended to signal the potential for inclusion of any other properties with existing or proposed multi-use septic systems adjacent to the PSA. Including additional properties would further increase flow to the Little Patuxent WRP and increase the need to achieve higher efficiency ENR treatment. To reduce flow and the nutrient concentration in flow sent to the Little Patuxent WRP from expansion of the PSA for Doughoregan Manor, wastewater from development at Doughoregan Manor should be treated on site before being discharged to the Little Patuxent WRP.”
(WRE, page 20)

The Doughoregan GPA request includes the following statements:

“As part of the new plan, we believe that the Department of Public Works will request that we increase the size of a portion of the line on the Property. We intend to accede to that request as well as adding nitrogen pre-treatment facilities, in effect treating not only the effluent from the new housing but also that from properties to the north and west of Doughoregan Manor. We also understand from discussions with the Department of Public Works that an existing undersized section on the Little Patuxent Interceptor will require replacement under a capital project prior to any units being constructed on our Property.”

The proposal to increase the size and capacity of sewer lines and to add nitrogen pre-treatment facilities on the property is consistent with the recommendation in the Howard County Proposed Water Resources Element (WRE), a proposed amendment to General Plan 2000. The WRE recommends:

Policy 2: Ensure the adequacy of wastewater treatment capacity.

Action 2.2 Require that properties added to the current Planned Service Area, large redevelopment sites within the PSA and large sites with zoning intensification within the PSA minimize increases in flow and the nutrient concentration in flow sent to the wastewater treatment plants.
(WRE, page 23)

The WRE also calls for such projects to address water conservation and reuse:

Policy 1: Ensure the safety and adequacy of the drinking water supply, and promote water conservation and reuse.

Action 1.2 Require that properties added to the current Planned Service Area, large redevelopment sites within the PSA and large sites with zoning intensification within the PSA implement water conservation and reuse practices and technology.
(WRE. page 23)

V. CONCLUSION

The owner's request for a Planned Service Area boundary amendment is consistent with the criteria required for consideration by the County of an expansion to the Planned Service Area (PSA). It is associated with a proposed rezoning that is intended to achieve General Plan policies related to historic preservation, agricultural preservation, recreation and scenic roads.

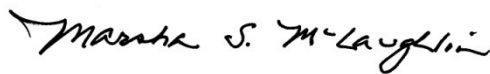
VI. RECOMMENDATIONS

The Department of Planning and Zoning recommends **approval** of GPA2010-1.

Additionally, DPZ recommends including language in the proposed bill that if the parcel is developed and connected to the public water and/or sewerage system by a deadline specified in the bill, the planned service area expansion and the metropolitan district inclusion, if applicable, shall be null and void and the planned service area as it relates to the parcel shall revert to that in place prior to the council bill approving the expansion, without any additional action by the Council.

January 7, 2009

Date



Marsha S. McLaughlin, Director of Planning & Zoning

APPLICATION

October 28, 2009

Honorable Ken Ulman, Howard County Executive
Honorable Mary Kay Sigaty, Howard County Council, Chair
Honorable Jennifer Terrasa, Howard County Council, Vice-Chair
Honorable Calvin Ball, Howard County Council, Member
Honorable Greg Fox, Howard County Council, Member
Honorable Courtney Watson, Howard County Council, Member
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Request for Amendment to General Plan
Doughoregan Manor, Tax Map 23, Parcel 71, 892.6 AC ± (the "Property")

Dear Messrs. and Mesdames:

As you know, for approximately two years, our family worked with Erickson Retirement Communities to develop a continuing care retirement community ("CCRC") on a portion of our historic estate. We formulated a plan to preserve the remainder of one of the largest expanses of undeveloped land in Howard County.

As you also know, in February 2009, Erickson submitted a request for an amendment to the General Plan and Zoning Regulations of Howard County to facilitate their proposal and, thereby, begin the process of preserving Doughoregan Manor. In June 2009, Erickson formally withdrew their interest in the property and thus left the plan in limbo. The challenge of maintaining and preserving our property, however, persists. While the plan for a CCRC has not proven workable, viable strategies for long-term preservation remain.

We are writing to ask your help with a revised plan that we believe will solve the dilemma that our family faces as owners of Doughoregan. Your cooperation will allow us all to carry out our shared obligation as stewards of our past and present.

Following the withdrawal of Erickson, our family decided to retain complete control of the property and any future development proposals. Given our current financial circumstances, we cannot allow ourselves to be at the risk of another unanticipated decision by a third-party developer. Our decision requires more time and greater expense for our family; however, we believe that final and lasting solutions can be expeditiously achieved. Our family has invested heavily in the restoration of the main house, but there is much more that needs to be done soon in order to prevent irreversible deterioration. In addition, several historic outbuildings have reached a point where immediate action is needed or they will be lost. Doughoregan is more than the main house: the setting must be preserved. We intend to do that if the financial resources are there.

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The revised plan has several components, all of which must be approved and implemented in order for our initiative to be a success. The components are as follows:

Development

Location

The eastern-most portion of the Property, which was previously identified and depicted on "Exhibit B" in a February 25, 2009 letter to you as the land to be acquired by Erickson, will continue to serve as the development area in the new plan. The proposed area is shaded and shown as 221.1 Acres \pm on the attached Exhibit to Accompany Petition to Amend the Zoning Map of Howard County, which is being provided to you as a courtesy. On this area will be sited approximately 325 single family detached units as shown on the attached Exhibit 2, a preliminary concept plan.

Purpose

The development plan is designed to be R-ED (Residential-Environmental Development), the lowest density and most environmentally conscientious development in the Howard County Zoning and Subdivision Regulations. With smaller lot sizes averaging 8,000 sq. ft. and larger requirements for open space, the proposed development will accommodate houses generally from 2,500 to 3,000 sq. ft. Exhibit 2 shows an innovative subdivision layout including an attractive neighborhood design, which will meet or go beyond the impending upgrades to Maryland's storm water regulations.

Benefits

Under the new plan, removal of large areas of existing forest that were part of the Erickson plan can be avoided. Connecting roads to the Ridge Lake and Chateau Ridge communities are also unnecessary. Development of the eastern boundary of Doughoregan best preserves and protects the setting of the historic buildings. The development of single family detached units will be harmonious with the existing residential development on adjacent properties and will avoid conflicts with ongoing farming operations on Doughoregan.

Traffic

Recently, we have discussed our plan with a number of interested citizens and community associations. Most concerns raised involved traffic on Rt. 144 and school capacity, which we understand and share as residents of this area. We believe, however, that we have sufficiently studied traffic impacts and can express with confidence that the new plan will not degrade our quality of life. We are committed to effecting a balance between preserving the existing scenic character of the National Road and the safety requirement for ingress and egress. We believe both can be achieved. The traffic studies that we have conducted show that peak hour trips do not add to the existing traffic on Rt. 144 to a substantial

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degree. In fact, the level of traffic generated by the proposed development is projected to be less than one third of that which would have been generated under the Erickson proposal. We also recognize we will be required to assure an adequate level of service at neighboring intersections.

Schools

We project the build-out of the development to occur approximately 12 to 15 years from now, based on the length of the permit approval process, actual construction and, of course, market factors. While we cannot predict exactly the number of school-aged children resulting from a particular development, we believe that absorption of the students from the 325 units over a 12 to 15 year period will be acceptable.

PSA

We will not require the zoning text amendment envisioned for the Erickson proposal. However, as before with the Erickson proposal, in order to accommodate this development, an extension of the planned service area for water and sewer ("PSA") along with a zoning map change will be required. Consequently, we ask that you consider the amendment to the PSA and Master Plan for Water and Sewerage Plan requested by Erickson in February 2009 as largely unchanged and remaining pending.

Public Works

As you may know, there are already existing and operating public sewer lines that traverse the proposed development area. As part of the new plan, we believe that the Department of Public Works will request that we increase the size of a portion of the line on the Property. We intend to accede to that request as well as adding nitrogen pre-treatment facilities, in effect treating not only the effluent from the new housing but also that from properties to the north and west of Doughoregan Manor. We also understand from discussions with the Department of Public Works that an existing undersized section on the Little Patuxent Interceptor will require replacement under a capital project prior to any units being constructed on our Property.

We have attached hereto a statement of justification from our legal counsel in support of the proposed amendment to the PSA.

Approval of the proposed amendment to the PSA will precede a Petition for an Amendment to the Zoning Map for Howard County to change the zoning of the development area of the Property from RC-DEO to R-ED. This Petition for rezoning has been filed with the Department of Planning and Zoning.

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Easement

The second component of the strategy to preserve the Manor is the placement of approximately 500 acres of the land along Folly Quarter Road and Rt. 144 under permanent preservation under the Howard County Agricultural Land Preservation Program. The 94.5 acres of land immediately surrounding the manor house and outbuildings will remain in our family's hands where we will continue to live for generations to come. While we do not plan for the family ever to leave the Manor, we are committed to the long-term preservation of the property and intend to investigate legal means of achieving that goal.

Dedication

The third component is our family's willingness to dedicate approximately 34 acres of land that is contiguous to Kiwanis Wallis Park. We believe the park provides an invaluable service to Howard County families. We welcome the opportunity to contribute to the welfare of our county's children.

Development Rights and Responsibilities Agreement

As a fourth component, we propose that the foregoing terms be set forth as stated in a Development Rights and Responsibilities Agreement, the authority and approval for which must be enacted by the governing body of Howard County. Attached hereto is a draft of the appropriate legislation.

The General Plan Amendment and draft of the Development Rights and Responsibilities Agreement are being provided to you with the request for their introduction as legislation. The application for rezoning is being submitted to the Department of Zoning in accordance with established procedures. We believe it is imperative for these elements to remain as a comprehensive package in order to produce a workable solution.

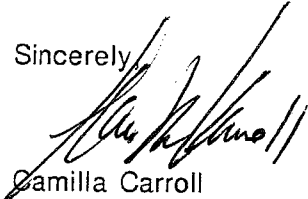
We and our consultants remain available to meet with each of you and members of the community to discuss your questions, comments or concerns. On behalf

October 28, 2009

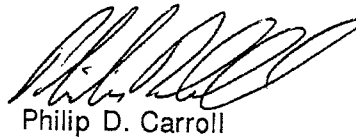
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of our family, we thank you for your consideration of this matter and look forward to continuing to work with you and the citizens of Howard County.

Sincerely,



Camilla Carroll



Philip D. Carroll

cc: Marsha McLaughlin, Department of Planning and Zoning, Director
James Irvin, Department of Public Works, Director
Margaret Ann Nolan, Office of Law, County Solicitor

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October 28, 2009

Honorable Ken Ulman, Howard County Executive
Honorable Mary Kay Sigaty, Howard County Council, Chair
Honorable Jennifer Terrasa, Howard County Council, Vice-Chair
Honorable Calvin Ball, Howard County Council, Member
Honorable Greg Fox, Howard County Council, Member
Honorable Courtney Watson, Howard County Council, Member
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Justification In Support of General Plan Amendment
Extension of Planned Service Area for Water and Sewer for Portion of Parcel 71
of Tax Map 25 (221.1 AC \pm)

Dear Messers and Mesdames:

Please be advised that this firm represents Camilla and Phillip D. Carroll with respect to the above-referenced Property.

This letter is being provided to you as justification in support of amending the map of the Planned Service Area for water and sewer ("PSA") as contained in the 2000 General Plan and the Master Plan for Water and Sewerage. The proposed amendment requests the extension of water and sewer to a portion of Doughoregan Manor as specified on the attached "Exhibit to Accompany Petition to Amend the Zoning Map of Howard County - Doughoregan Manor." The proposed area for inclusion in the PSA is colored green and shown as 221.1 AC \pm (the "Site"). Currently, Doughoregan, including the Site, is zoned RC-DEO and is in the No Planned Service Area, despite the fact that actual sewer lines traverse portions of the Site.

In evaluating this request, we ask you to consider the following:

Page 98.1 of the 2000 General Plan specifies that "[a]ny requests for a General Plan amendment for expansion of the Planned Service Area should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies . . ."

Attached hereto is a Petition to Amend the Zoning Map of Howard County for the Site (the "Rezoning Application"). As you will note, the request is a change from RC-DEO to R-ED.

This request is consistent with the tenets of the 2000 General Plan and Smart Growth policies for a number of reasons.

The 2000 General Plan ("GP") endorses preserving contiguous blocks of agricultural land and protecting the rural character in the Near West. GP at 44. The Near West is the area of the Rural West that is zoned Rural Conservation (RC) and is adjacent to the Planned Service Area. *Id.* Doughoregan is the largest tract of uncommitted residential land in the Near West and represents the greatest remaining opportunity for agricultural preservation in the Near West. If accomplished, the successful preservation of Doughoregan as proposed will result in the largest contiguous expanse of preserved farmland in the Near West and will be a key component in protecting its rural character.

The first tenet of Maryland's Smart Growth Goals is to save our most valuable resources before they are forever lost. The preservation of farmland and environmental resources in the Rural West has been the principal goal of the regulations for cluster subdivisions. As the 2000 General Plan acknowledges, however, the current cluster subdivision regulations have been very successful in protecting streams, wetlands, floodplains, steep slopes and forest, but they have been only partially successful in achieving the key goal of preserving farmland. GP at 47. Cluster subdivision design is frequently dictated by the location of the best soils for septic systems, resulting in the best soils being used for lots instead of farmland. *Id.*

Doughoregan is permitted under its existing zoning to develop over 400 single-family detached units on the Property. Locating these lots on the portions of Doughoregan with the soils most suitable for septic systems presents the undesirable option of sprawling the development across the Property and in locations that would adversely affect the agricultural character of this area. Residential development in accordance with the RC-DEO will also have an adverse impact of the character of two scenic roads: Folly Quarter Road and MD Route 144 (the "National Road"). GP at 56. We believe the development that is permitted by right would not best serve the interests of our County.

The goals of the 2000 General Plan and Smart Growth policies would be better served by a proposal of concentrating the residential development to the eastern-most section of the Property in the area of the Site, where the number of proposed new housing with public water and sewer will be approximately 100 units less and more compatible with the homes on neighboring properties. The remainder of the Property will be left undisturbed, as-is and remain largely farmland. The General Plan discusses using a variety of tools to achieve its goal of protecting 30,000 acres in the Rural West. GP at 44. Each of these options may have limited applicability, but together they contribute to an effective land preservation strategy. *Id.* We believe that the proposed plan for Doughoregan is the type of combined strategy referenced in the General Plan.

Smart Growth principles also support development in areas where infrastructure is already in place or planned to support it. In addition to the preservation of farmland, one of the principal benefits of permanently protecting land in the Near West is to guard against the

potential for unwanted sprawl into the Rural West. With the requested General Plan Amendment, the boundary of the PSA will terminate on the west side of the Site. Abutting the new PSA boundary will be permanently preserved agricultural land, thereby eliminating the potential for any future PSA extension requests in this area.

The General Plan provides that "[i]n each case [of a proposed expansion of the PSA], sewer and water infrastructure capacity . . . and costs shall be analyzed to confirm the feasibility and availability of scheduled capacity." GP at 98.1. In this regard, please be advised that the extension of water line in this area (which is within the MD Route 144 Right-of-Way and adjoins the Property) and sewer line to serve the Site will not be an expense to the general public. To the contrary, all construction and fees will be private expense to be paid by the developer. We have had discussions with the Department of Public Works and are of the understanding that sewer and water capacity is available, particularly in light of the fact that we will be upgrading the size of the sewer line on-site and installing pre-treatment of new and existing effluent.

In terms of the adequacy of public facilities, we have already discussed the fact that a certain number of residential units are permitted by right on Doughoregan Manor. The traffic and school capacity to be generated by these units are already an existing condition. The proposed plan reduces the planned density for Doughoregan and envisions a long term projected build-out. In any event, the proposed units will be subject to all APFO tests pursuant to the General Plan, which must be met in order for the development to proceed.

And finally, the proposed development coupled with the 500 acres of land surrounding Doughoregan Manor being preserved with an Agricultural Preservation Easement under the County's program will enable the Carroll family to continue to be stewards of the Property as they have for the past three centuries. The proposed plan provide financial reserouces to protect and restore the Manor and supporting historic structures, thereby furthering the County's historic preservation goals.

We look forward to continuing the community dialogue on these issues and welcome any questions or comments. Thank you.

Very truly yours,

TALKIN & OH, LLP

A handwritten signature in black ink, appearing to read "Sang W. Oh", is written over the typed name.

By: Sang W. Oh

cc: Marsha McLaughlin, Department of Planning and Zoning, Director
James Irvin, Department of Public Works, Director
Margaret Ann Nolan, Office of Law, County Solicitor

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. _____

Bill No. ____ - _____

Introduced by: _____

AN ACT to authorize Howard County to enter into Development Rights and Responsibilities Agreements pursuant to the authority granted by Article 66B, § 13.01, Md. Ann. Code, and to establish procedures and requirements for the consideration and execution of such agreements

Introduced and read first time _____, 2009. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2009.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2009 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2009 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2009

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 ***Section 1. Be it enacted by the County Council of Howard County, Maryland, that new***
2 ***Subtitle 15 “Development Rights and Responsibilities Agreements” is added to Title 16***
3 ***“Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard***
4 ***County Code to read as follows;***

5
6 Title 16. Planning, Zoning and Subdivisions and Land Development Regulations

7 SUBTITLE 15. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS

8
9 SECTION 16.1500. PURPOSE.

10 THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE PUBLIC HEALTH, SAFETY, AND
11 WELFARE BY ENACTING THE AUTHORITY GRANTED BY SECTION 13.01 OF ARTICLE 66B
12 OF THE ANNOTATED CODE OF MARYLAND RELATING TO DEVELOPMENT RIGHTS AND
13 RESPONSIBILITIES AGREEMENTS AND ESTABLISHING PROCEDURES FOR SUCH
14 AGREEMENTS IN ACCORDANCE WITH THE PROVISIONS THE STATE CODE.

15
16 SECTION 14.1501. DEFINITIONS.

17 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 (A) "AGREEMENT" MEANS A DEVELOPMENT RIGHTS AND RESPONSIBILITIES
19 AGREEMENT.

20 (B) "COUNTY COUNCIL" MEANS THE HOWARD COUNTY COUNCIL.

21 (C) "COUNTY EXECUTIVE" MEANS THE HOWARD COUNTY EXECUTIVE.

22 (D) "PLANNING BOARD" MEANS THE HOWARD COUNTY PLANNING BOARD.

23 (E) "STATE CODE" MEANS THE MD. ANNOTATED CODE, AS AMENDED.

24
25 SECTION 14.1502. APPLICABILITY.

26 ANY PERSON SATISFYING THE QUALIFICATIONS DESCRIBED IN ARTICLE 66B, §
27 13.01(C), OF THE STATE CODE, MAY PETITION THE COUNTY EXECUTIVE AND COUNTY
28 COUNCIL TO ENTER INTO A DEVELOPMENT RIGHTS AND RESPONSIBILITIES
29 AGREEMENT AS DESCRIBED IN ARTICLE 66B, § 13.01, OF THE STATE CODE.

1 SECTION 14.1502. CONTENTS OF DEVELOPMENT RIGHTS AND RESPONSIBILITIES
2 AGREEMENTS.

3 AN AGREEMENT SHALL INCLUDE THE CONTENTS REQUIRED BY ARTICLE 66B, §
4 13.01(F)(1), OF THE STATE CODE, AND MAY INCLUDE THE CONTENTS ALLOWED BY
5 ARTICLE 66B, § 13.01(F)(2), OF THE STATE CODE.
6

7 SECTION 14.1503. PROCEDURES.

8 (A) BEFORE ENTERING AN AGREEMENT, THE PERSON SATISFYING THE
9 QUALIFICATIONS DESCRIBED IN ARTICLE 66B, § 13.01(C), OF THE STATE CODE SHALL
10 PETITION THE COUNTY EXECUTIVE AND COUNTY COUNCIL TO ENTER INTO A
11 DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT AS DESCRIBED IN ARTICLE
12 66B, § 13.01, OF THE STATE CODE.

13 (B) AN AGREEMENT MAY BE EXECUTED BY THE COUNTY EXECUTIVE ONLY AFTER A
14 PUBLIC MEETING BEFORE THE PLANNING BOARD AND A RECOMMENDATION BY THE
15 PLANNING BOARD THAT THE PROPOSED AGREEMENT IS CONSISTENT WITH THE
16 GENERAL PLAN.

17 (C) AN AGREEMENT MAY BE EXECUTED BY THE COUNTY EXECUTIVE ONLY AFTER
18 THE COUNTY COUNCIL CONDUCTS A PUBLIC HEARING AND DETERMINES BY
19 RESOLUTION THAT THE COUNTY EXECUTIVE IS AUTHORIZED THE EXECUTE THE
20 AGREEMENT.

21 (D) WITH THE APPROVAL OF THE COUNTY COUNCIL, AN AGREEMENT MAY BE
22 CONSOLIDATED WITH A PUBLIC WORKS AGREEMENT OR WITH ANY OTHER PLAN OR
23 AGREEMENT REQUIRED FOR DEVELOPMENT OF A PROPERTY.
24

25 SECTION 14.1504. AMENDMENTS OF AGREEMENTS.

26 (A) SUBJECT TO PARAGRAPH (B) OF THIS SUBSECTION AND AFTER A PUBLIC HEARING,
27 THE PARTIES TO AN AGREEMENT MAY AMEND THE AGREEMENT BY MUTUAL CONSENT.

28 (B) UNLESS THE PLANNING BOARD DETERMINES THAT THE PROPOSED AMENDMENT
29 TO THE AGREEMENT IS CONSISTENT WITH THE GENERAL PLAN, THE PARTIES MAY NOT
31 AMEND THE AGREEMENT.

1 SECTION 16.1505. TERMINATION OF AGREEMENTS; SUSPENSION.

2 (A) THE PARTIES TO AN AGREEMENT MAY TERMINATE THE AGREEMENT BY MUTUAL
3 CONSENT.

4 (B) IF THE COUNTY EXECUTIVE AND COUNTY COUNCIL DETERMINE THAT SUSPENSION
5 OR TERMINATION IS ESSENTIAL TO ENSURE THE PUBLIC HEALTH, SAFETY, OR WELFARE,
6 THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY SUSPEND OR TERMINATE AN
7 AGREEMENT AFTER A PUBLIC HEARING.

8
9 SECTION 16.1506. APPLICABLE LAWS, REGULATIONS AND POLICIES.

10 (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBSECTION, THE LAWS, RULES,
11 REGULATIONS, AND POLICIES GOVERNING THE USE, DENSITY, OR INTENSITY OF THE
12 REAL PROPERTY SUBJECT TO THE AGREEMENT SHALL BE THE LAWS, RULES,
13 REGULATION, AND POLICIES IN FORCE AT THE TIME THE PARTIES EXECUTE THE
14 AGREEMENT.

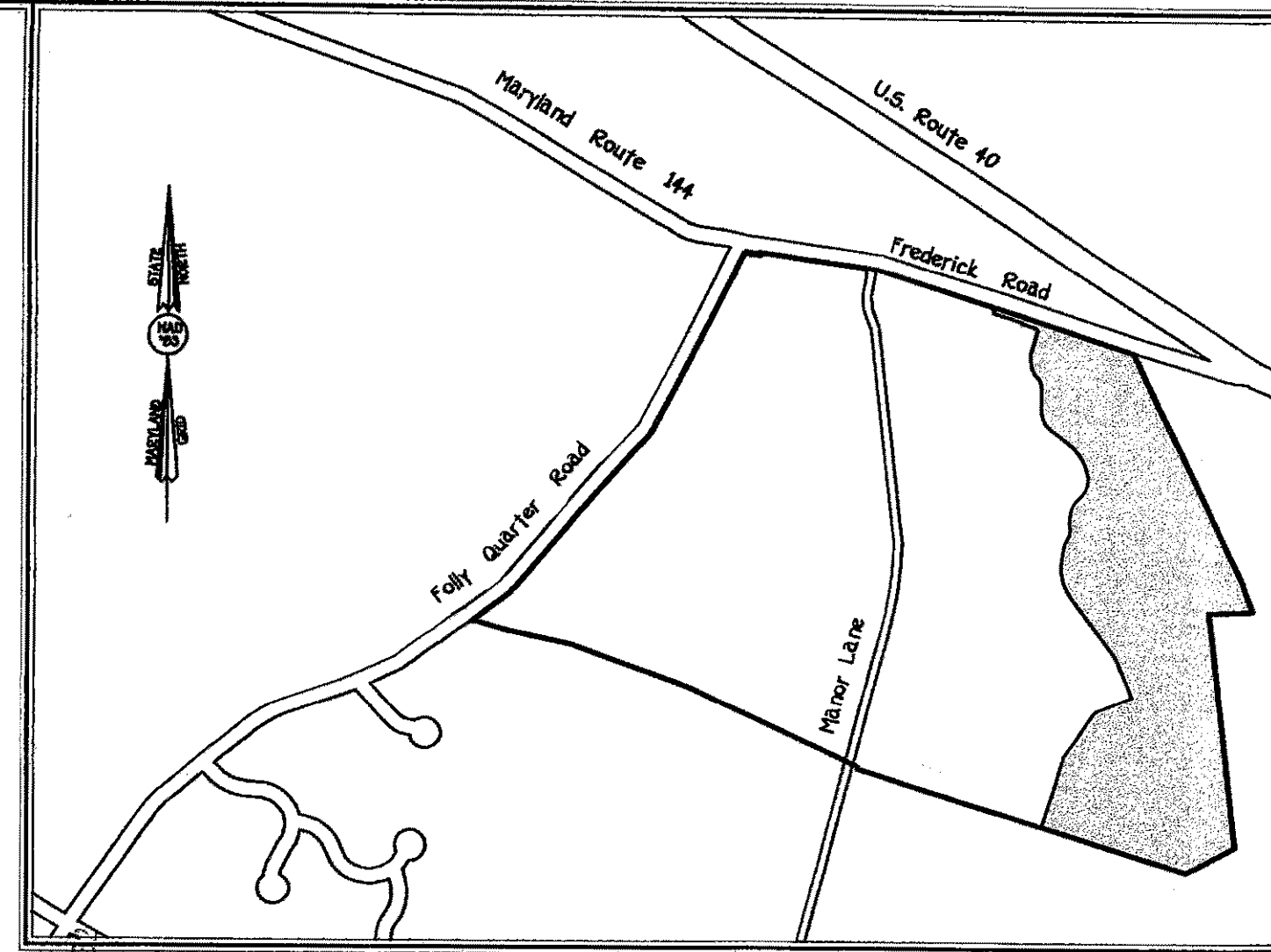
15 (B) IF THE COUNTY EXECUTIVE AND COUNTY COUNCIL DETERMINE THAT
16 COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND POLICIES ENACTED OR ADOPTED
17 AFTER THE EFFECTIVE DATE OF THE AGREEMENT IS ESSENTIAL TO ENSURE THE HEALTH,
18 SAFETY, OR WELFARE OF RESIDENTS OF ALL OR PART OF THE JURISDICTION, AN
19 AGREEMENT MAY NOT PREVENT A LOCAL GOVERNMENT FROM REQUIRING A PERSON TO
20 COMPLY WITH THOSE LAWS, RULES, REGULATIONS OR POLICIES.

21
22 SECTION 16.1507. RECORDING.

23 (A) AN AGREEMENT THAT IS NOT RECORDED IN THE LAND RECORDS OF HOWARD
24 COUNTY WITHIN 20 DAYS AFTE THE DAY ON WHICH THE PARTIES EXECUTE THE
25 AGREEMENT IS VOID.

26 (B) THE PARTIES TO AN AGREEMENT AND THEIR SUCCESSORS IN INTEREST ARE BOUND
27 TO THE AGREEMENT AFTER THE AGREEMENT IS RECORDED.

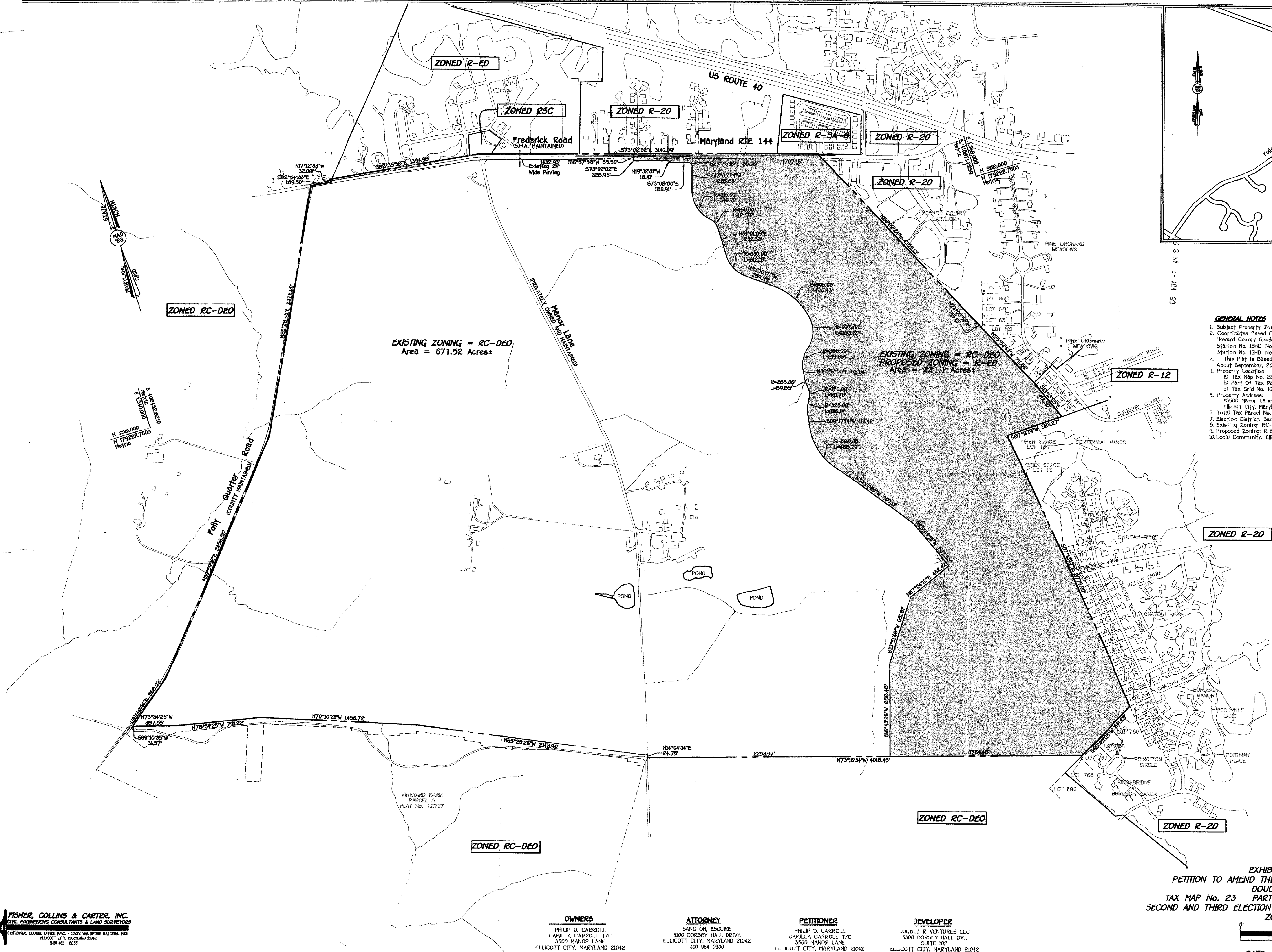
28
29 *Section 2. And Be it Further Enacted by the County Council of Howard County,*
31 *Maryland. that this Act shall become effective 61 days after its enactment.*



Vicinity Map
Scale 1"=2000'

GENERAL NOTES

1. Subject Property Zoned RC-DEO Per 2/02/04 Comprehensive Zoning Plan.
2. Coordinates Based On NAD 83, Maryland Coordinate System As Projected By Howard County Geodetic Control Stations No. 02HA, 02HB And No. 02HD. Station No. 184C North 589,780.900 East 1,341,530.147 Station No. 184D North 590,674.171 East 1,340,043.586
3. This Plat is Based On Field Run Monumented Boundary Survey Performed On Or About September, 2001, By Fisher, Collins & Carter, Inc.
4. Property Location:
a) Tax Map No. 23
b) Part Of Tax Parcel No. 71
c) Tax Grid No. 10
5. Property Address:
3500 Manor Lane
Ellicott City, Maryland 21042
6. Total Tax Parcel No. 71 Area = 892.6+ Acres
7. Election District: Second And Third
8. Existing Zoning: RC-DEO
9. Proposed Zoning: R-ED
10. Local Community: Ellicott City.



FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENNIAL SQUARE OFFICE PARK - 10222 BALTIMORE NATIONAL PIKE
ELICOTT CITY, MARYLAND 21042
410-461-2000

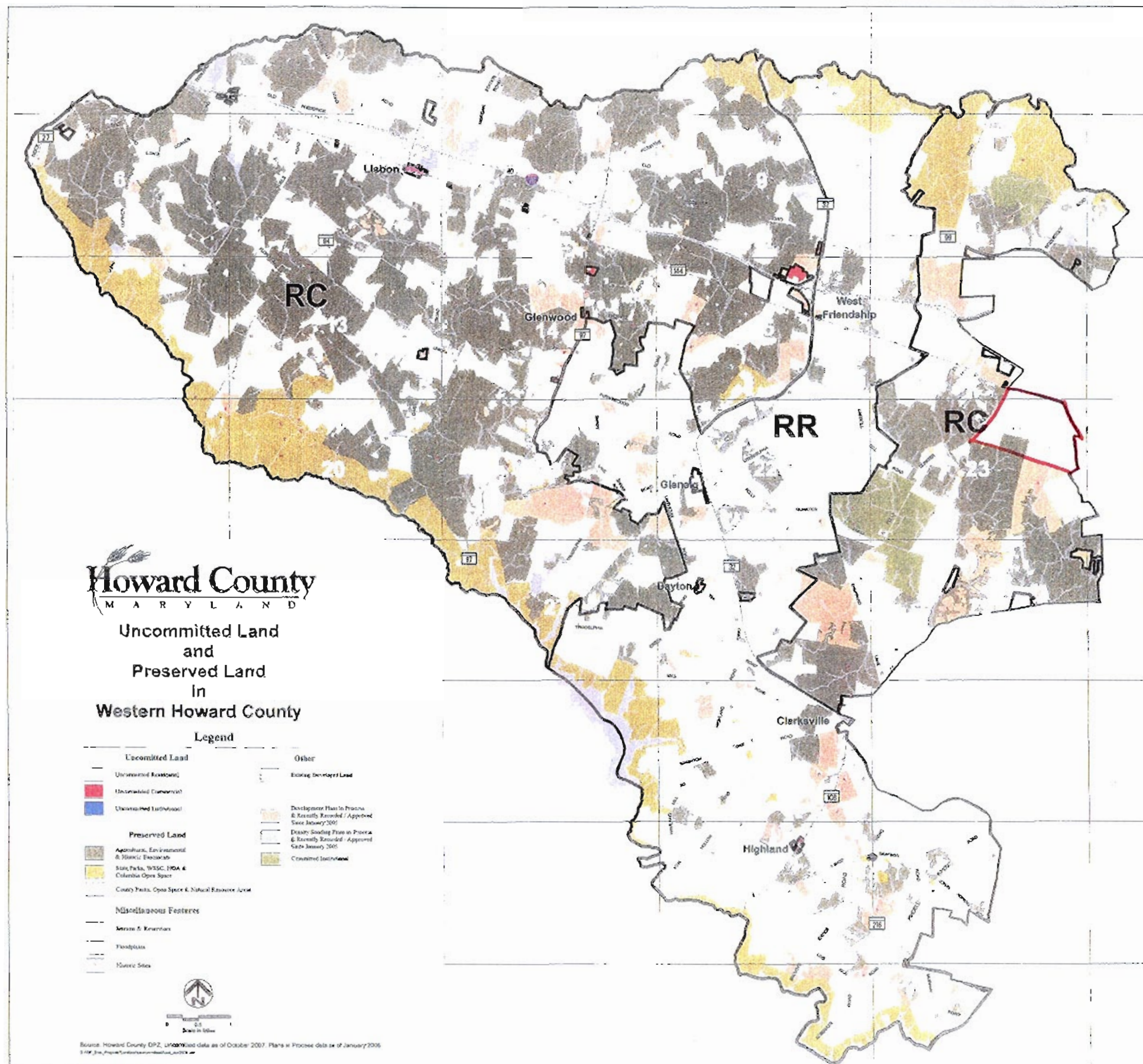
OWNERS
PHILIP D. CARROLL
CAMILIA CARROLL T/C
3500 MANOR LANE
ELICOTT CITY, MARYLAND 21042

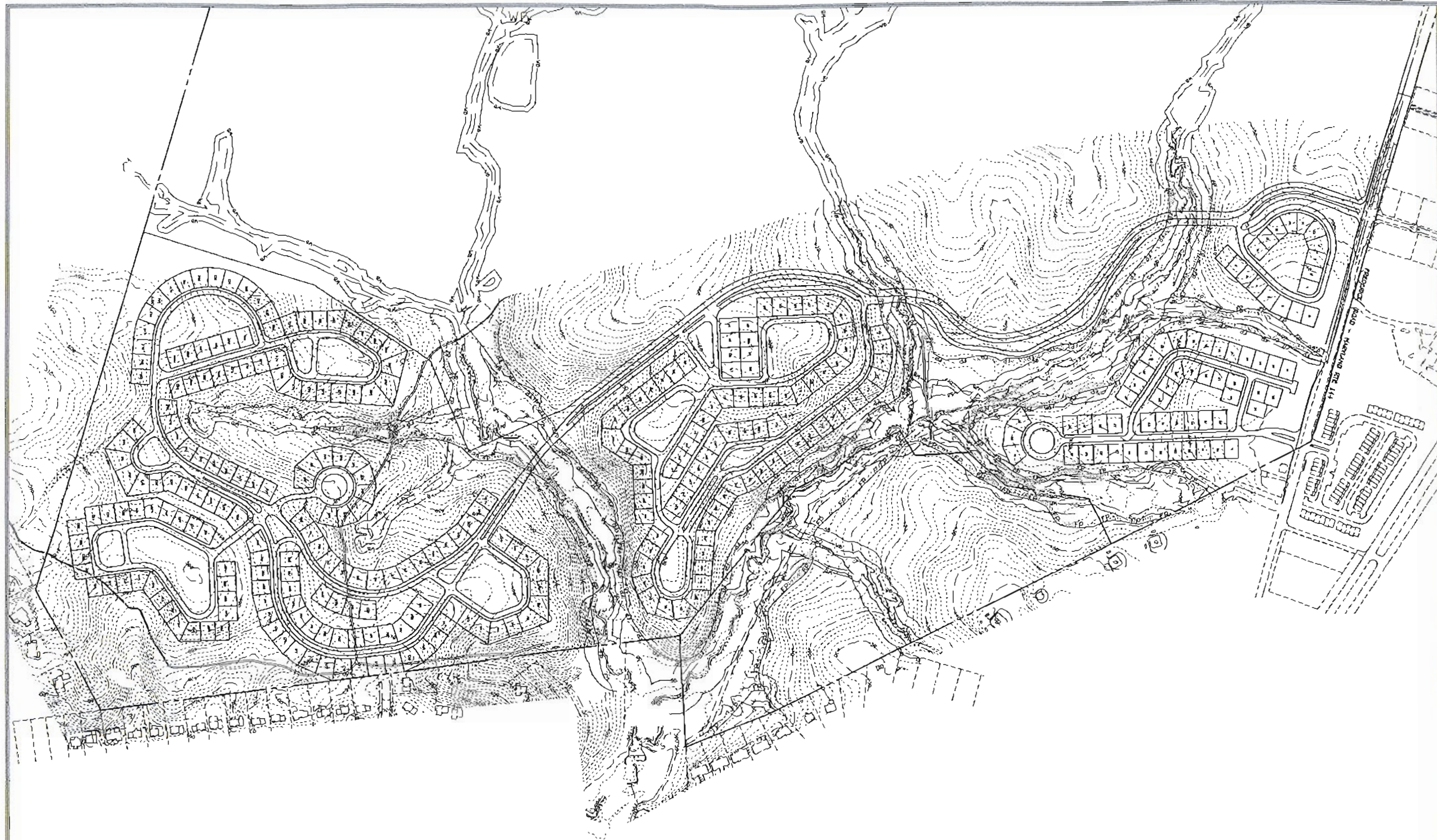
ATTORNEY
SANG OH ESQUIRE
5100 DORSEY HALL DRIVE
ELICOTT CITY, MARYLAND 21042
410-964-0300

PETITIONER
PHILIP D. CARROLL
CAMILIA CARROLL T/C
3500 MANOR LANE
ELICOTT CITY, MARYLAND 21042

DEVELOPER
DOUBLE R VENTURES LLC
5300 DORSEY HALL DR.,
SUITE 102
ELICOTT CITY, MARYLAND 21042
443-367-0422

EXHIBIT TO ACCOMPANY
PETITION TO AMEND THE ZONING MAP OF HOWARD COUNTY
DOUGHOREGAN MANOR
TAX MAP No. 23 PART OF PARCEL No. 71, GRID No. 10
SECOND AND THIRD ELECTION DISTRICTS HOWARD COUNTY, MARYLAND
ZONING MAP 23
Scale 1" = 400'
DATE: OCTOBER 1 2009





Proposed Road - Mainline Rte 114

Proposed Road - Mainline Rte 114

Proposed Road - Mainline Rte 114

Proposed Road - Mainline Rte 114

Proposed Road - Mainline Rte 114

FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING, CONCRETE, LAND SURVEYING
CUSTOMER SERVICE: 800-368-3688
10000 W. 100th Ave., Suite 100, Denver, CO 80231
www.fccinc.com

CONCRETE LOT LAYOUT
CIVIL PROPERTY
OCTOBER 20, 2009
SCALE 1"=200'

AGENCY COMMENTS



HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046

410-313-6000 • www.hcdfrs.org

William F. Goddard, III, *Fire Chief*

Ken Ulman, *County Executive*

December 9, 2009

Robert Lalush
Planning and Zoning
Ref: ZB-1087M
Doughoregan Manor

To Planning and Zoning Board:

I have reviewed the plans for the proposed development of Doughoregan Manor. The development plans to build approximately 280 single family homes located off Frederick Road.

Currently, there is only one access point to enter the development. Per Title 17, Subtitle 1, Subsection 18.2.3.3.1 of the Howard County Fire Prevention Code, any development with over 100 residences may be required to have more than one access point available for emergency use. This is the main issue facing approval of the development from Fire and Rescue.

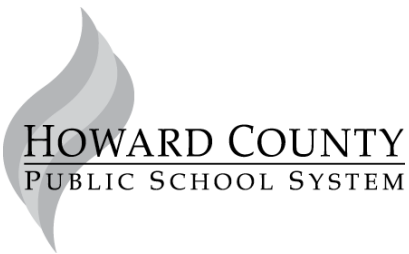
Listed below are recommendations for your consideration:

- A Fire Access Road could be created in the development that connects to Burnside Drive. This would be the easiest solution to the second access issue.
- If a second point of access cannot be agreed upon, then all homes would be required to have NFPA 13 D sprinkler systems installed.
- An access road would have to be dual lane the entire length except in those areas where stream crossings may be needed. A single bridge would be acceptable since no home would be located in/near the stream buffer and emergency apparatus could still access all homes in the development.

Battalion Chief Timothy Diehl
Howard County Department of Fire and Rescue Services
Office of the Fire Marshal



An accredited fire service agency since 1999



MEMORANDUM

DATE: January 5, 2010
To: Mr. William Mackey, AICP
Howard County DPZ
FROM: Joel Gallihue, AICP
RE: GPA 2010-1 Doughoregan Manor / ZB 1087M

HCPSS staff has received the above referenced general plan amendment and petition to amend the zoning map and forwarded it to the Board of Education for their review. The proposal has been made for a property of approximately 221 acres located on the south side of MD Route 144 (Frederick Road) and west of the Kiwanis-Wallis Park. The proposal would facilitate a change in land use from what is presently farmland to residential. The residential units would not be age restricted so they will generate students. A previous proposal for this same part of Doughoregan Manor was made by Erickson Retirement Communities which would have been age restricted but that project was withdrawn.

The zoning petition states that 325 single family detached residential homes are proposed through the R-ED zone. The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in sensitive environmental or historic areas.

The current assigned schools for this area are Manor Woods ES, Burleigh Manor MS, and Marriotts Ridge HS. Five year average pupil generation ratios for the proposed unit type (single family detached) are presented for these schools and countywide in the following table:

	Assigned Schools	Countywide
Elementary	0.219	0.323
Middle	0.093	0.134
High	0.125	0.114

Board of Education policy envisions operation of schools between 90% and 110% utilization of capacity. Projections are developed annually. Projections that exceed 110% utilization inform planning for redistricting and capital projects. Manor Woods ES is currently projected to remain under 110% capacity until 2013. Burleigh Manor MS is currently projected to operate below 110% capacity until 2020. Marriott's Ridge HS is projected to operate below 110% capacity for the foreseeable future. Given the current five-year average pupil generation rates for the assigned schools, the proposed 325 SFD units would add approximately 71 elementary, 30 middle, and 41 high school students gradually over the 12-15 year development horizon.

KEN ULMAN
County Executive



WILLIAM J. MCMAHON
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE
3410 Court House Drive, Ellicott City, Maryland 21043

December 23, 2009

To: Marsha S. McLaughlin, Director
Department of Planning and Zoning

From: William J. McMahon, Chief
Howard County Police Department

Subject: Doughoregan Manor Development- Police Response

This memorandum serves as the Police Department's response in reference to the development of the Doughoregan Manor. Overall, the Police Department has no concerns regarding an impact on services to the community due to the development of Doughoregan Manor. The police department has the following comments regarding the new community:

Police Manpower:

Any population growth and development creates a greater need for police resources to handle the increased calls for service in that area. In reviewing the development plans for Doughoregan Manor, the police department does not anticipate a significant impact on police resources.

Traffic Measures:

Due to the fact that the development's main access is Frederick Road, there may be an impact on vehicular traffic along that route. I would anticipate there would be increased traffic in this area; I do not believe it would cause a significant issues.

If you have any questions or concerns regarding this memorandum, please feel free to contact me at 410-313-2203.





Howard County

Internal Memorandum

Subject: Doughoregan Manor Request for
Inclusion into the Planned Service Area

To: James Irvin, Director
Department of Public Works

From: Don Lieu, Chief
Utility Design Division

Date: January 7, 2010

We have reviewed the October 28, 2009 request submitted by Camilla and Philip Carroll for expansion of the Planned Service Area for the purpose of providing public water and sewer service to 325 homes on the eastern portion of the Doughoregan Manor property.

There is adequate capacity in the public water supply to provide service to the proposed development of Doughoregan Manor.

Regarding the public sewer system, there is a concern both on the treatment and conveyance facilities. The nutrient capacity at the Little Patuxent Water Reclamation Plant is a major concern. The limited excess capacity at the plant allows the County to absorb minor treatment excursions in the wastewater treatment process which would otherwise lead to discharge violations and monetary fines. By providing sewage treatment capacity (nutrient reduction) for a property previously not within the Planned Service Area, the capacity available for development to other properties currently within the Planned Service Area is reduced. Moreover, the available safety factor to handle treatment excursions is reduced by that amount.

In prior discussions with prospective developers of Doughoregan Manor, we expressed our preference for the wastewater to be treated and disposed of on the Doughoregan Manor site, i.e. disposal to a multi-use septic system. From the Bureau of Utilities point of view, the current development proposal, consisting of individual lots, would be consistent with the use of a shared septic system as described in the current County Code. This option provides for nutrient management, minimal conveyance impact and an existing stable financial model. With the reduction in flow produced with the most recent proposed land use, required drain field limitations becomes much more manageable.

In the event that this property is brought into the Planned Service Area and an on-site pretreatment system is constructed, we recommend that a rate structure be added to our utility system for this type of service. If on-site disposal of all or a portion of the wastewater from the Doughoregan Manor development is not possible, the wastewater should be treated to the limits of technology for nutrient removal before being discharged into the conveyance system.

In regard to the off-site sewer, there is a 300 foot section of 8-inch sewer from Doughoregan Manor to the 12-inch interceptor sewer which may need to be upsized. Although there is sufficient capacity in the 12-inch interceptor sewer between Doughoregan Manor and the Little Patuxent Interceptor to serve the additional 325 homes, 2,500 feet of the 27-inch Little Patuxent Interceptor from Old Annapolis Road to MD Route 108 will be required to be paralleled. The parallelization of this portion of the interceptor

sewer is currently in the capital budget as Capital Project S-6274, Upper Little Patuxent Parallel Sewer, to be funded in fiscal year 2015. The Upper Little Patuxent Parallel Sewer will need to be constructed before the additional homes can be built.

In regard to the existing on-site sewer, the Department of Public Works has not performed a capacity analysis on the on-site sewer system. A comprehensive utility plan noting the capacity and locations of the sewers within the subdivision is required from the developer during the subdivision process. The on-site sewers must be sized to provide sufficient capacity to support the upstream drainage area located east of Folly Quarter Road between US Route 40 and MD Route 144.

Please do not hesitate to contact me should you have any questions regarding the information provided.

cc: Ronald Lepson, Steve Gerwin, Jeff Welty

Comments from Gary J. Arthur, Director – Recreation and Parks 1/06/2010

ZB 1087M – Petition to Amend the Zoning Map of Howard County

Our Department supports this request to rezone 221.1 AC± of the subject property from RC-DEO to R-ED based on the need to maintain and preserve this nationally historic property. With this development, it will allow the Carroll's to maintain and preserve this historic property. This development would be consistent with existing developments across Frederick Road.

The build-out for this development is proposed over ten-twelve years. The thirty-four acres of dedicated land to the County will allow the county to improve the quality of life through the development of recreational facilities that would be jointly operated and maintained by Howard County Youth Programs, and the Department of Recreation and Parks. Presently, the thirty-four acres could potentially house fields, pathways along with environmental educational programs which would included natural resource protection and wildlife along with alleviating the already overcrowding conditions at Kiwanis Wallas Park by providing additional parking.



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway
Administration

Beverley K. Swaim-Staley, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

December 22, 2009

Ms. Marsha S. McLaughlin, Director
Howard County Department of Planning
and Zoning
3430 Courthouse Drive
Ellicott City, Maryland 21043

RE: Howard County
MD 144 A (Frederick Road)
south side / west of US 40
ZB 1087M
Carroll Property (Doughoreagan)
Mile Point 14.6 – 15.2

Dear Ms. McLaughlin:

Thank you for the opportunity to review and comment on the above referenced rezoning petition and amendment to the 2000 Howard County General Plan. The Maryland State Highway Administration, (SHA) has the following comments regarding this proposal.

As with all cases of land use, the SHA defers to Howard County to determine the appropriate use of the subject 221 acres. If approved by Howard County, SHA will require the necessary entrance and road improvements to support the additional site generated traffic. This includes traffic impacts to near-by intersections identified by the Howard County APFO.

The amended zoning petition seeks to allow the eastern-most portion of the property (approximately 221 acres) to be developed with 325 single family homes to be constructed under a long term build-out of 10 to 15 years. The proposed development is designed to be low density R-ED or Residential-Environmental Development.

The petition indicates that the remainder of the estate will be preserved under an agricultural preservation easement. SHA and HCDPW are jointly developing a project to construct a roundabout at the intersection of MD 144 and Folly Quarter Road. We suggest that the County modify the easement to set aside a portion of the property to the east of the intersection of MD 144 and Folly Quarter Road for possible construction or environmental needs for the project to lessen future financial impact to SHA and the County DPW.

The petition also briefly makes reference to the development of the aforementioned acreage as an assisted living development. ITE Trip generation rates comparing trips that can be expected to be generated by the former Senior Adult Housing and the trips that can be expected to be generated by the proposed Single Family detached housing is presented in the petition as prepared by the Traffic Group, Inc. The ITE trip generation data provided suggests that a considerable reduction in measured trips will be realized with the proposed Single-Family Detached Units. We concur with this assessment.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



Ms. Marsha S. McLaughlin
ZB 1087M
December 22, 2009
Page Two

SHA is requesting that as part of the consideration of the rezoning request, the developer be required to dedicate right of way along the entire property frontage along MD 144. The dedication should be 40' from the existing centerline of MD 144 for future road widening and in keeping with the Howard County Master Plan.

SHA is recommending that one point of access be provided to MD 144. This is in keeping with the SHA desire to limit the number of access point to as few as possible to an urban arterial roadway. It would be preferable to have the western most proposed access serve as the sole access to MD 144. For this design to work we believe it is necessary to have the extension of Burnside Drive to serve as the second access to the property. The access location to MD 144 will require all necessary access improvements. These will include standard acceleration, deceleration, left turn lane and all necessary design elements to meet the term and conditions of an access permit issued by this office. These details will be determined at the time of the Sketch or Preliminary Plan submittal. If standards cannot be met, the entrance will be required to be relocated to a location that will yield the necessary improvements.

Normally SHA would request that development access be to a less traveled roadway such as the existing Folly Quarter Road or Manor Lane. In this case SHA recognizes the importance of maintaining a contiguous parcel which encompasses the historic and cultural resources of the Carroll Property. Requiring access to Folly Quarter Road or Manor Lane would dissect the property and detract from the significance of the property.

MD 144 is designated the Historic National Road National Scenic Byway. Because of the size of the Doughoregan Manor Residential Development, this proposal will have a substantial impact on the scenic byway's character-defining features. Therefore, it is most critical for the planning and design of this project include context sensitive architectural and site enhancement measures. In addition, the present layout does not represent historical development along the byway. Therefore, we strongly suggest that if the rezoning petition is approved and the project progresses into final design, that the layout of all residential lots adjacent to MD 144 replicate a traditional development that places all houses facing the scenic byway. The lots adjacent to MD 144 should have direct access from internal roads and alleys that spur from the development's entrance roadway. If the project is context sensitive designed, it will maintain the character and attractiveness of the byway, and support the byway travel experience.

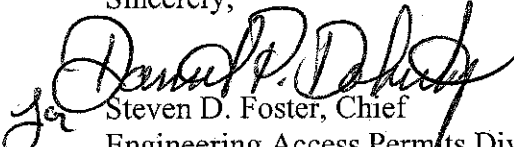
Subject to the reduction of the access points on MD 144 to the one western access, and the connection of Burnside Drive to serve as the second access, along with intra-parcel connections, **SHA has no objections to re-zoning approval.**

Ms. Marsha S. McLaughlin
ZB 1087M
December 22, 2009
Page Three

SHA will require the opportunity to review and comment on all future Traffic Impact Studies, Sketch /Preliminary Plans, hydraulic computations, cultural resources studies and all necessary information to ultimately issue the required access permit from this office.

If you have any questions or comments, please contact Dan Doherty at 410-545-5584 or our toll free number in Maryland only 1-800-876-4742. You may also email him at (ddoherty@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Engineering Access Permits Division

Cc: Mr. Dave Coyne
Mr. John Concannon
Mr. Mark Crampton
Mr. Vaughn Lewis